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EXAMINER

HAGEMAN, MARK

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/718,362	Applicant(s) CAPORALI, MICHAEL E.	
	Examiner Mark Hageman	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/2006 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 4-10 and 12- 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashbrook, in view of US 6,715,614 to Pippin et al. Ashbrook discloses a bottom defining a substantially planar surface having a length and a width (Fig. 1), wherein at least one of the length and the width substantially corresponds to at least one of a length and width of the standard mail sorting bin; and at least one support (9) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation. Ashbrook fails to disclose each

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support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

3. With regards to claim 2, Ashbrook further discloses the insert comprises a lightweight material (page 1, lines 20+).

4. With regards to claim 4, Ashbrook further discloses the insert comprises two supports (Fig. 1).

5. With regards to claim 5, Ashbrook further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two support have substantially triangular-shaped cross sections (Fig. 1).

6. With regards to claim 6, Ashbrook further discloses the at least one support has a triangular-shaped cross section (Fig. 1).

7. With regards to claim 7, Ashbrook further discloses the bottom and at least one support are created from a single piece of material (5).

8. With regards to claim 8, Ashbrook further discloses the at least one support is created by folding the single piece of material (page 1, lines 20+).

9. With regards to claim 9, Ashbrook further discloses at least one substantially rigid, substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter (Fig. 1). Ashbrook does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin. Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+).

Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language "constructed to be disposed within a mail sorting bin" is

functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

10. With regards to claim 10, Ashbrook further discloses the insert comprises a lightweight material (page 1, lines 20+).

11. With regards to claim 12, Ashbrook further discloses the insert has two substantially vertical sections (Fig. 1).

12. With regards to claim 13, Ashbrook further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 1).

13. With regards to claim 15, Ashbrook further discloses the insert comprises a single piece of material (page 1, lines 20+).

14. With regards to claim 16, Ashbrook further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (page 1, lines 20+).

15. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the

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applicant's invention to have modified Ashbrook to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

16. With regards to claim 18, Ashbrook further discloses the insert comprises an anti-slip surface (page 1, lines 20+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

17. With regards to claim 19, Ashbrook further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin; and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 1). Ashbrook fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

18. With regards to claim 20, Ashbrook further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation (Fig. 1; page 1, lines 20+)

Ashbrook does not disclose the support having a height of approximately 11 inches.

Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+) for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Ashbrook device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have modified Ashbrook to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

19. With regards to claim 21, Ashbrook further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold on the lower surface line permits a third section to rotate with respect to an adjacent fourth section in the other direction (Fig. 1; page 1, lines 20+).

20. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Ashbrook to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

21. Claims 1-13 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Pippin. Lambert discloses a bottom defining a substantially planar surface (35) having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a mail sorting bin; and at least one support (13) projecting upright from the bottom, wherein the support is sized and configured to support flat mail in a substantially vertical orientation. Lambert fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Examiner contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery.

22. With regards to claim 2, Lambert further discloses the insert comprises a lightweight material (col. 3, lines 14+).

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23. With regards to claim 3, Lambert further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

24. With regards to claim 4, Lambert further discloses the insert comprises two supports (Fig. 2).

25. With regards to claim 5, Lambert further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two supports have substantially triangular-shaped cross sections (Fig. 2).

26. With regards to claim 6, Lambert further discloses the at least one support has a triangular-shaped cross section (Fig. 2).

27. With regards to claim 7, Lambert further discloses the bottom and at least one support are created from a single piece of material (col. 3, lines 14+).

28. With regards to claim 8, Lambert further discloses the at least one support is created by folding the single piece of material (col. 3, lines 14+).

29. With regards to claim 9, Lambert further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail sorter (Fig. 2). Lambert does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin. Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of

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storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

30. With regards to claim 10, Lambert further discloses the insert comprises a lightweight material (col. 3, lines 14+).

31. With regards to claim 11, Lambert further discloses the lightweight material is selected from the group consisting of cardboard, plastic, wood, and composites (col. 3, lines 14+).

32. With regards to claim 12, Lambert further discloses the insert has two substantially vertical sections (Fig. 2).

33. With regards to claim 13, Lambert further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 2).

34. With regards to claim 15, Lambert further discloses the insert comprises a single piece of material (col. 3, lines 14+).

35. With regards to claim 16, Lambert further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 3, lines 14+).

36. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

37. With regards to claim 18, Lambert further discloses the insert comprises an anti-slip surface (col. 3, lines 14+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

38. With regards to claim 19, Lambert further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 2). Lambert fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum

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height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

39. With regards to claim 20, the reference further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and configured to support flat mail in an upright orientation, (col. 3, lines 14+). Lambert does not disclose the support having a height of approximately 11 inches. Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+)

for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Lambert insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Lambert to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

40. With regards to claim 21, the reference further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold line on the lower surface permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 3, lines 14+).

41. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the

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applicant's invention to have modified Lambert to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

42. Claims 1-13 and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henig in view of Pippin. Henig discloses a bottom (2a) defining a substantially planar surface having a length and a width, wherein at least one of the length and the width substantially corresponds to at least one of a length and width of a standard mail bin as defined by the postal service; and at least one support (7a, 3) projecting upright from the bottom, wherein the support (3) is sized and configured to support flat mail in a substantially vertical orientation (Fig. 11). Henig fails to disclose each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Examiner contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Henig device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail

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sorting bin, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery.

43. With regards to claim 2, Henig further discloses the insert comprises a lightweight material (col. 7, lines 10+).

44. With regards to claim 3, Henig further discloses the insert comprises a material selected from the group consisting of cardboard, plastic, wood, and composites (col. 7, lines 10+).

45. With regards to claim 4, Henig further discloses the insert comprises two supports (Fig. 11).

46. With regards to claim 5, Henig further discloses the bottom of the insert comprises three substantially coplanar sections which are separated from each other by the two supports, and wherein the two supports have substantially triangular-shaped cross sections (Fig. 11).

47. With regards to claim 6, Henig further discloses the at least one support has a triangular-shaped cross section (Fig. 11).

48. With regards to claim 7, Henig further discloses the bottom and at least one support are created from a single piece of material (col. 7, lines 10+).

49. With regards to claim 8, Henig further discloses the at least one support is created by folding the single piece of material (col. 7, lines 10+).

50. With regards to claim 9, the reference further discloses at least one substantially rigid substantially vertical section projecting from a substantially horizontal section, wherein the insert is sized and configured to receive flat mail from an automatic mail

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sorter (Fig. 11). Henig does not disclose each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin.

Pippin discloses each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+).

Examiner contends that the Pippin insert will inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+). Examiner further contends that the language "constructed to be disposed within a mail sorting bin" is functional and the Henig insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include each substantially vertical section has a height of approximately 11 inches when the insert is disposed within the mail sorting bin, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

51. With regards to claim 10, Henig further discloses the insert comprises a lightweight material (col. 7, lines 10+).

52. With regards to claim 11, Henig further discloses the lightweight material is selected from the group consisting of cardboard, plastic, wood, and composites (col. 7, lines 10+).

53. With regards to claim 12, Henig further discloses the insert has two substantially vertical sections (Fig. 11).

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54. With regards to claim 13, Henig further discloses the at least one substantially vertical section has a substantially triangular-shaped cross section (Fig. 11).

55. With regards to claim 15, Henig further discloses the insert comprises a single piece of material (col. 7, lines 10+).

56. With regards to claim 16, Henig further discloses the insert is folded to create the substantially vertical sections and substantially horizontal sections (col. 7, lines 10+).

57. With regards to claim 17, Pippin discloses the height of each substantially vertical section approximates a height of a mail sorting bin (fig 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the height of each substantially vertical section approximates a height of a mail sorting bin, as taught by Pippin, for the purpose of maintaining sequence order and facilitating delivery.

58. With regards to claim 18, Henig further discloses the insert comprises an anti-slip surface (col. 7, lines 10+). What constitutes an anti-slip surface? The disclosed surface has some degree of friction and so has, to some extent, an anti-slip surface.

59. With regards to claim 19, the reference further discloses a base defining a substantially planar surface, wherein the base is sized to substantially cover a bottom surface of a mail sorting bin as defined by the postal service; and a plurality of substantially vertical supports attached to the base, wherein each substantially vertical support has a slope height and a triangular-shaped cross section sized and configured to support flat mail in a substantially vertical orientation (Fig. 11). Henig fails to disclose

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each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin. Pippin discloses each support is constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin (figure 2 and 4) for the purpose of maintaining sequence order and facilitating delivery (c8 lines 52+). Pippin also discloses dimensioning the insert such that it fits closely within letter trays used by the USPS (c6 lines 13+) for the purpose of allowing storage and use of the insert with flats tubs or letter trays (c6 lines 10+). Examiner further contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Henig insert is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support being constructed such that a maximum height of the support approximates a maximum height of the mail sorting bin and dimensioning the insert such that it fits closely within letter trays used by the USPS, as taught by Pippin, for the purposes of maintaining sequence order and facilitating delivery and allowing storage and use of the insert with flats tubs or letter trays.

60. With regards to claim 20, Henig further discloses a flat sheet, wherein the flat sheet includes a plurality of sections and a plurality of predefined fold lines, wherein two adjacent sections are separated by a predefined fold line, and wherein the predefined fold lines are arranged and configured such that when the flat sheet is folded at the predefined fold lines, the sheet forms a base and at least one upright support sized and

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configured to support flat mail in an upright orientation (col. 7, lines 10+). Henig does not disclose the support having a height of approximately 11 inches. Pippin discloses the support having a height of approximately 11 inches (c6 lines 11+) for the purpose of fitting closely within existing letter trays use by the USPS (c6 lines 13+). Examiner contends that the language “constructed to be disposed within a mail sorting bin” is functional and the Henig device is fully capable of being disposed within a mail sorting bin.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include the support having a height of approximately 11 inches, as taught by Pippin, for the purpose of fitting closely within existing letter trays use by the USPS.

61. With regards to claim 21, Henig further discloses the flat sheet has an upper surface and a lower surface, and wherein at least one predefined fold line on the upper surface permits a first section to rotate with respect to an adjacent second section in one direction, and wherein at least one predefined fold on the lower surface line permits a third section to rotate with respect to an adjacent fourth section in the other direction (col. 7, lines 10+).

62. With regards to claim 22-27 Pippin discloses each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep (c6 lines 10+) for the purpose of storing and using the insert with flats tubs or letter trays (c6 lines 10+). Examiner contends that the Pippin insert and bin will

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inherently be of the claimed size in order to fit closely with existing letter trays used by the USPS (c6 lines 14+).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified Henig to include each of the substantially vertical support of the at least one substantially vertical support has a height of approximately 11 inches and the mail sorting bin is approximately 12 inches wide, 15 inches long, and 11 inches deep, as taught by Pippin, for the purpose of storing and using the insert with flats tubs or letter trays.

Response to Arguments

63. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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